

REMARKS

Status of the Application

Claims 2 and 4-18 are pending. Claims 4-15 are allowed. Claims 2, 16 and 18 are rejected. Claim 17 is objected to.

Section 102 Rejections

Bamburg

Claims 2, 16 and 18 are rejected under 35 U.S.C. Section 102 as being anticipated by Bamburg et al. U.S. Patent No. 4,260,071. Applicants have cancelled claim 2. With respect to claim 16, it requires a “rear panel terminating in a top edge located below the top of the appliance cabinet” which is not taught by Bamburg. As the Examiner states, Bamburg discloses a “rear panel 28” [actually element 30; see Figs. 2 and 11] having a top edge 62,63 and a “baseloid flange 48” extending downward from the top edge. Yet, referring to Figure 11, the top edge of Bamburg’s rear panel 30 is not located below the top of the appliance cabinet as required by applicant’s claim 16.

This structural distinction is functionally significant. The problem with many existing appliance packages is that the baseloid lifting flange is located at the top rear of the package, so baseloid lifting can cause the unit to tip forward. If two or more stacked appliances are being lifted in this manner this tipping can cause the top unit to slide forward and even fall off (see applicant’s specification at paragraph 0007). Applicant solved this tipping problem by positioning the top edge of the rear panel (and thus the baseloid flange itself) below the appliance cabinet top so that the appliance is lifted from the bottom, not the top.

Even if the Bamburg package could be lifted with a baseloid lifting truck, which applicant

argued in his previous correspondence was not even possible, due to the fact that the top edge 62, 63 of Bamburg's rear panel 30 (and thus "baseloid flange 48") is not located below the top of the appliance cabinet, the package would tend to tip forward.

Because of this important structural and functional difference between the invention as claimed and the Bamburg reference applicant respectfully asserts that claims 16 and 18 are allowable over Bamburg.

Ballard

Claims 2, 16 and 18 have been rejected under 35 U.S.C. Section 102 as being anticipated by Ballard U.S. Patent No. 4,226,327. Claim 2 has been cancelled in view of Bamburg.

Regarding claims 16 and 18, applicant submits they are distinguishable from Ballard for at least the same reason as they are distinguishable from Bamburg. That is, claim 16 requires a "rear panel terminating in a top edge located below the top of the appliance cabinet" which is not taught by Bamburg. Applicant agrees with the Examiner that Bamburg discloses a rear panel 18 and a baseloid flange 36 extending downward from the top edge of the rear panel, but the top edge (opposite score line 42 in Figure 5) is not "located below the top of the appliance cabinet" as required in claim 16. Unlike Bamburg, the Ballard package actually can be lifted using a baseloid lifting blade as shown in Figure 5, but due to the location of the baseloid flap 40 (at or near the top of the unit) such lifting will have a tendency to tip the package forward.

Regarding the Examiner's statement that "it is not agreed the equivalent baseloid flange 36 is not located below the top of the cabinet," applicant replies that the actual limitation in claim 16 is that the top edge of the rear panel must be located below the top of the appliance cabinet.

Allowable Claims

Applicants note with appreciation the Examiner's statement that claims 4-15 are allowable and that claim 17 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


New Claims

Applicant request the allowance of new claims 16-18. Claim 16 requires, among other things, "an upwardly extending rear panel terminating in a top edge located below the top of the appliance cabinet" which neither Bamburg nor Ballard teaches.

Summary

It is believed that this paper constitutes a complete response to the Final Office Action mailed August 16, 2005, and an early and favorable action allowing claims 2 and 4-18 is respectfully requested. The Examiner is invited to telephone Applicant's undersigned attorney if any unresolved matters remain.

Respectfully submitted,


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